

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, OCTOBER 30, 2006**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:05 p.m. on Monday, October 30, 2006, with President Gray presiding.

President Gray asked for a moment of silence in recognition of Donna Talley, wife of former Councilman Steve Talley, who passed away last Saturday.

Councillor Pfisterer led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

President Gray instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Abdullah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy
0 ABSENT:

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Gibson recognized NAACP president candidate, Cornell Burris. Councillor Borst recognized Webelos Scout Pack 183 from Perry Township working on their citizenship badge. Councillor Day recognized her husband Harold and mother Phyllis Reese.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, October 30, 2006, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Monroe Gray
President, City-County Council

October 16, 2006

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, October 18, 2006 and in the *Indianapolis Star* on Thursday, October 19, 2006, a copy of a Notice of Public Hearing on Proposal Nos. 526-529, 531, 535, and 536, 2006, said hearing to be held on Monday, October 30, 2006, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

October 16, 2006

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 93, 2006 - approves an increase of \$70,000 in the 2006 Budget of the Marion County Voter's Registration (County General Fund) to pay for expenses related to the November 2006 election

FISCAL ORDINANCE NO. 94, 2006 - approves an increase of \$559,785 in the 2006 Budget of the Marion County Election Board (County General Fund) to pay for expenses related to the November 2006 election

FISCAL ORDINANCE NO. 95, 2006 - approves an appropriation of \$73,000 in the 2006 Budget of the Department of Parks and Recreation (Park General Fund) to purchase a parcel of land to allow for widening the entrance to Krannert Park, financed by the balance remaining in the Parks Department's Land fund (a sub-fund of Park General)

FISCAL ORDINANCE NO. 96, 2006 - approves an appropriation of \$4,744 in the 2006 Budget of the Department of Parks and Recreation (Park General Fund) to pay for equipment, field maintenance, uniforms and other costs associated with a youth baseball program held this summer at Riverside Park, financed by a grant from the Cal Ripken Senior Foundation

FISCAL ORDINANCE NO. 97, 2006 - approves an appropriation of \$45,395 in the 2006 Budget of the Department of Parks and Recreation (Non-Lapsing State Grants Fund) to renovate and pave basketball courts with asphalt that has been integrated with recycled tire materials at Douglass, Pride, Hawthorne, Bertha Ross and Denver Parks, financed by grants from the Indiana Department of Environmental Services (IDEM)

FISCAL ORDINANCE NO. 98, 2006 - approves an appropriation of \$265,250 in the 2006 Budget of the Department of Parks and Recreation (City Cumulative Capital Fund) to restore funds from a prior year

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purchase order that will be used toward the cost of constructing the Earth Discovery Center at Eagle Creek Park

FISCAL ORDINANCE NO. 99, 2006 - approves an appropriation of \$2,518,000 in the 2006 Budgets of the Department of Public Safety, Police Division (Consolidated County Fund), Marion County Public Defender Agency (County General Fund), Marion County Prosecutor (County General Fund), Marion County Justice Agency (County General Fund), Marion County Clerk (County General Fund), and Marion County Sheriff (County General Fund) to fund the public safety and criminal justice initiatives associated with the Order issued by the Marion County Superior Court on August 9, 2006

FISCAL ORDINANCE NO. 100, 2006 - appropriates \$44,977 in the 2006 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to continue and expand an existing program called the Juvenile Disposition Project, funded by a federal grant administered by the Indiana Criminal Justice Institute and by a transfer between characters of an existing grant

FISCAL ORDINANCE NO. 101, 2006 - appropriates \$40,000 in the 2006 Budget of the Marion County Public Defender Agency (County Grants Fund) to implement an educational advocacy pilot project to assist public defenders representing juveniles by assessing their educational needs, advocating on their behalf with the schools, and testifying in court as needed, funded by a grant from the Indianapolis Foundation, an affiliate of the Central Indiana Community Foundation

FISCAL ORDINANCE NO. 102, 2006 - appropriates a total of \$149,175 in the 2006 Budget of the Marion County Justice Agency (State and Federal Grants Fund) for the Metro Drug Task Force, financed by a US Department of Justice grant administered by the Indiana Criminal Justice Agency

FISCAL ORDINANCE NO. 105, 2006 - appropriates \$1,754,266 in the 2006 Budget of the Information Services Agency (Information Services Internal Services Fund) to purchase hardware, software and services pertaining to a closed circuit television camera system for the Indianapolis Police Department and for the information technology portions of establishing the Indiana Fusion Center, financed by payments from Department of Public Safety federal grants

FISCAL ORDINANCE NO. 106, 2006 - transfers and appropriates \$3,700,000 in the 2006 Budget of the Department of Public Works, Fleet Services Division (Consolidated County Fund) to pay additional costs for vehicle repair parts and supplies and motor vehicle fuel due to rising fuel prices, financed by internal charges and revenues from non-city customers that purchase fuel from Indianapolis Fleet Services

FISCAL ORDINANCE NO. 107, 2006 - approves a transfer of \$120,000 in the 2006 Budget of the Marion County Public Defender Agency (County General Fund) to fund a contractual services agreement for the customization of a case management computer program

GENERAL ORDINANCE NO. 76, 2006 – authorizes intersection controls for the Northpoint Village Subdivision, Section 1 (District 1)

GENERAL ORDINANCE NO. 77, 2006 – authorizes intersection controls for the Grandview Gardens Subdivision (District 2)

GENERAL ORDINANCE NO. 78, 2006 – authorizes the removal of a multi-way stop at the intersection of 81st Street and Claffey Drive (District 3)

GENERAL ORDINANCE NO. 79, 2006 – authorizes a multi-way stop at the intersection of 11th Street and LaSalle Street (District 10)

GENERAL ORDINANCE NO. 80, 2006 – authorizes intersection controls for the Sungate Subdivision (District 13)

GENERAL ORDINANCE NO. 81, 2006 – authorizes intersection controls at the intersection of Iris Avenue and Jackson Street (District 14)

GENERAL ORDINANCE NO. 82, 2006 – authorizes a bus stop zone on Delaware Street near North Street (District 15)

GENERAL ORDINANCE NO. 83, 2006 – authorizes a bus stop zone on Delaware Street near Michigan Street (District 15)

GENERAL ORDINANCE NO. 84, 2006 – authorizes 20-minute parking meters on Massachusetts Avenue between Vermont Street and Michigan Street (District 15)

GENERAL ORDINANCE NO. 85, 2006 – authorizes the increase in the speed limit on Morris Street from Harding Street to East Street (District 19)

GENERAL ORDINANCE NO. 86, 2006 – authorizes a multi-way stop at the intersection of Banta Road and Concord Street (District 22)

GENERAL ORDINANCE NO. 87, 2006 – authorizes a change in preferential intersection control at the intersection of Camden Street and Markwood Avenue (District 23)

GENERAL ORDINANCE NO. 88, 2006 – authorizes intersection controls at the intersection of Knoll Top Drive and Linwood Avenue (District 24)

GENERAL ORDINANCE NO. 89, 2006 – authorizes intersection controls for the Westbrooke Subdivision, Section 1 (District 25)

GENERAL ORDINANCE NO. 90, 2006 – authorizes intersection controls for the Smithfield Subdivision, Sections 2 and 3B (District 25)

GENERAL ORDINANCE NO. 91, 2006 – authorizes intersection controls for Bentley Commons, Section 1 Subdivision and Bentley Estates, Section 2 Subdivision (District 25)

GENERAL ORDINANCE NO. 92, 2006 – authorizes intersection controls for the Timberlakes Subdivision, Section 3 (District 25)

SPECIAL RESOLUTION NO. 61, 2006 - recognizes the H.O.P.E. Team and their successful 5th Annual City-Wide Summit

SPECIAL RESOLUTION NO. 62, 2006 - recognizes the Indianapolis Soap Box Derby, City Championship Racing League winners, and All-American World Championship representatives

SPECIAL RESOLUTION NO. 63, 2006 - approves the Department of Parks and Recreation's interest and need to purchase approximately one acre of land adjacent to the main entrance to Krannert Park

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of October 9, 2006. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 541, 2006. The proposal, sponsored by Councillor Randolph, recognizes Beth Rutz as the Wal-Mart Indiana Teacher of the Year. Councillor Randolph read the proposal and presented Ms. Rutz with a copy of the document and a Council pin. Ms. Rutz thanked the Council for the recognition. Councillor Randolph moved, seconded by Councillor Gibson, for adoption. Proposal No. 541, 2006 was adopted by a unanimous voice vote.

Proposal No. 541, 2006 was retitled SPECIAL RESOLUTION NO. 64, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 64, 2006

A SPECIAL RESOLUTION recognizing Beth Rutz as the Wal-Mart Indiana Teacher of the Year.

WHEREAS, Beth Rutz graduated from Purdue University and began teaching four years ago with techniques she said she learned from co-workers and her own experience; and

WHEREAS, using class activities and games, Ms. Rutz helps her students learn without even realizing it; and

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WHEREAS, Ms. Rutz views teaching as more than just a person in front of a blackboard talking to a group of listening students, but views herself as somewhat of a parent figure and an advocate for children to let them know how amazing they are; and

WHEREAS, the award brings a \$10,000 educational grant to the Guion Creek Middle School in Pike Township where Rutz teaches science to 155 sixth-graders; and

WHEREAS, Ms. Rutz hopes the grant will be used for technology for the entire school to use, further demonstrating her dedication to students and education, which is why she was chosen as this year's recipient of the Wal-Mart Indiana Teacher of the Year; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly applauds Ms. Rutz for her hard work, dedication, and passion for education.

SECTION 2. The Council wishes Ms. Rutz many more years of success, both as a teacher, and in other areas of her life.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 578, 2006. The proposal, sponsored by Councillor Schneider, recognizes the 15-year anniversary of Hollywood Bar & Filmworks on October 29, 2006. Councillor Schneider read the proposal and presented Ted Bulthaup, owner, with a copy of the Document and a Council pin. Mr. Bulthaup thanked the Council for the recognition. Councillors Borst and Bradford thanked Mr. Bulthaup for his contributions and dedication to downtown and wished him luck in his new franchise in Chicago. Councillor Schneider moved, seconded by Councillor Nytes, for adoption. Proposal No. 578, 2006 was adopted by a unanimous voice vote.

Proposal No. 578, 2006 was retitled COUNCIL RESOLUTION NO. 111, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 111, 2006

A COUNCIL RESOLUTION recognizing the 15-year anniversary of Hollywood Bar & Filmworks on October 29, 2006..

WHEREAS, when Hollywood Bar & Filmworks first opened, it was the first new downtown movie theater in over half a century, with no other theater even being open for over two decades in downtown Indianapolis; and

WHEREAS, Union Station had just collapsed and Circle Centre was not even a hole in the ground, when Hollywood Bar & Filmworks opened, to become one of only a handful of downtown businesses to be open past 8:00 p.m. every day of the week; and

WHEREAS, business for the theater increased by double digits every year (by 35% the year Circle Centre opened, despite the presence of another downtown cinema there); and

WHEREAS, over the past 15 years Hollywood Bar & Filmworks has received lots of recognition through favorable articles and stories from every form of media with consistent local awards for Best Theater, Best Service, Service Excellence, Best Menu, Best Pizza, Best Popcorn, Best Margaritas, Best Commercial, Best Downtown Addition, being a Good Neighbor, Entrepreneurism, and Best Marketing. *Indianapolis Monthly* characterized them as one of the crown jewels of Indianapolis and one magazine even named them as the third best place to take out of town guests (after the Indianapolis Speedway and the Children's Museum); and

WHEREAS, at one point, Hollywood Bar & Filmworks was attracting the equivalent of more than half the amount of downtown Indianapolis visits that the Colts generate – all without a taxpayer subsidy; and

WHEREAS, the Hollywood Bar & Filmworks concept has had coverage in many publications from Los Angeles to New York, and various national television programs including the Food Network just last month. During the Final Four, *USA Today* touted Hollywood Bar & Filmworks as a "must-see" in Indianapolis for out-of-town guests; and

WHEREAS, since expanding to Chicago, the national publication *Restaurant Business Magazine* called them one of the top new concepts in the country (somehow missing that they had been open in Indianapolis for over a decade), and, because of the new Chicago operation, the *Indianapolis Business Journal* just named them the eighth fastest growing private company in Indianapolis; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates Hollywood Bar & Filmworks for their 15 years in business, their vision and risk-taking, and recognizes them as a leader in the re-development of downtown nightlife.

SECTION 2. The Council wishes Hollywood Bar & Filmworks much future success.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 579, 2006. The proposal, sponsored by Councillor Randolph, recognizes the Pike High School football team and coaches for demonstrating kindness, caring and true teamwork to help out a fellow member in need. Councillor Randolph moved, seconded by Councillor Gibson, to postpone Proposal No. 579, 2006 until November 13, 2006. Proposal No. 579, 2006 was postponed by a unanimous voice vote.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 553, 2006. Introduced by Councillors Sanders and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$22,715 in the 2006 Budget of the Cable Communications Agency (Consolidated County Fund) to purchase software for a webstreaming project that will allow government access programming to be available on the City-County website"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 554, 2006. Introduced by Councillors Moriarty Adams, McWhirter and Brown. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease approximately 16,000 square feet of space at 980 Western Drive for use as warehouse space by the Department of Public Safety for and on behalf of Indiana Task Force One, an urban search and rescue task force"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 555, 2006. Introduced by Councillor Bowes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$8,575,355 in the 2006 Budget of the Department of Child Services (Family and Children Services Fund) to appropriate revenue from retroactive reimbursements to provide necessary funds to cover all obligations in 2006"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 556, 2006. Introduced by Councillors Mahern, Keller, Nytes and Gibson. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds "; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 557, 2006. Introduced by Councillors Mahern and Day. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$300,000 in the 2006 Budget of the Department of Metropolitan Development, Community Economic Development Division (Non-lapsing State Grants Fund) to enable environmental remediation activities at the properties between 1821 and 1849 South Shelby Street, financed by a grant from the Indiana Finance Authority"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 558, 2006. Introduced by Councillors Mahern and Langsford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$131,130 in the 2006 Budget of the Department of Metropolitan Development, Compliance Division (Non-lapsing Federal Grants Fund), to revise floodplain maps for three streams: Williams Creek, Crooked Creek, and Howland Ditch, financed by a grant from the Federal Emergency Management Agency"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 559, 2006. Introduced by Councillors Mahern, Langsford, Gray, Sanders, Conley, Brown and Gibson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$54,100 in the 2006 Budget of the Department of Metropolitan Development, Historic Preservation Division (Non-lapsing Federal Grants and Consolidated County Funds), to encourage preservation and create growth opportunities in the surrounding areas of Irvington, funded by a \$42,100 grant from the U.S. Department of the Interior, a donation of \$4,000 from the Historical Irvington Community Council, and \$8,000 from the Irvington Historical Society"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 560, 2006. Introduced by Councillors Mahern, Day, Langsford, Gray, Sanders, Conley, Brown and Gibson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$588,500 in the 2006 Budget of the Department of Metropolitan Development, Community Economic Development Division (Non-lapsing Federal Grants Fund), to develop affordable housing and homeownership opportunities for low/moderate-income homebuyers at the following locations: Phase IV of Fall Creek Place, Red Maple Grove development project, and the Rink Savoy Apartments"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 561, 2006. Introduced by Councillors Abdullah, Conley and Gray. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which designates the 500 through the 600 block of North Senate Avenue as the A. J. Robinson Memorial Block "; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 562, 2006. Introduced by Councillors Moriarty Adams, Brown and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$1,643,385 in the 2006 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund child interviewers at the Child Advocacy Center, the Adult Protective Services Unit, 8 victim advocate positions for various divisions in the Prosecutor's Office, 5 teams of local law enforcement officers from six departments, overtime patrols to combat impaired driving and increase seatbelt usage, and the Adult Victim Services Assistance Program (Breaking Free), funded through various federal grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 563, 2006. Introduced by Councillors Moriarty Adams, Brown, Conley, Sanders and Gibson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$99,045 in the 2006 Budget of the Marion County Clerk (State and Federal Grants Fund) to appropriate a pass through grant from the Indiana Criminal Justice Institute to fund the Protective Order Pro Bono Project, which provides legal assistance to low-income victims of domestic abuse"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 564, 2006. Introduced by Councillors Moriarty Adams, Borst, Brown and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$48,178 in the 2006 Budget of the Marion Superior Court (State and Federal Grants Fund) to fund the Child Advocates Expansion Project for GAL/CASA representation of children in abuse/neglect cases referred by the Marion Superior Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 565, 2006. Introduced by Councillors Moriarty Adams, Borst, Brown and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$30,104 in the 2006 Budget of the Marion Superior Court (State and Federal Grants Fund) to allow for expenditure of previously approved grants including JAIBIG 7, Community Court and Juvenile Drug Treatment Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 566, 2006. Introduced by Councillors Moriarty Adams, Borst, Brown, Conley and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$24,500 in the 2006 Budget of the Marion Superior Court (State and Federal Grants Fund) to fund a pilot program titled "Beyond Translation" which allows the court to communicate with the Hispanic population the importance of complying with court orders, including probation and payment of fines and costs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 567, 2006. Introduced by Councillors Moriarty Franklin, Brown, Conley and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$95,000 in the 2006 Budget of the Forensics Services Agency (County General Fund) to purchase three microscopes and other lab equipment for new employees hired to comply with order of the Marion Superior Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 568, 2006. Introduced by Councillors Moriarty Adams, McWhirter and Brown. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$9,450 in the 2006 Budget of the Department of Public Safety, Emergency Management Planning Division (Consolidated County Fund) to cover projected deficits for paying telephone and fleet maintenance charges"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 569, 2006. Introduced by Councillors McWhirter and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Eagle Springs subdivision (District 6)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 570, 2006. Introduced by Councillors Day and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in intersection

controls at the intersection of Draper Street and Kelly Street (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 571, 2006. Introduced by Councillors Keller, Mahern and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes changes in weight restrictions on Calvary Street, between English Avenue and Shelby Street (Districts 16/19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 572, 2006. Introduced by Councillors Keller and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes changes in weight restrictions on Fletcher Avenue between State Avenue and St. Paul Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 573, 2006. Introduced by Councillors Randolph and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Brennan Woods subdivision (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 574, 2006. Introduced by Councillors Franklin and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Sanctuary subdivision (District 12)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 575, 2006. Introduced by Councillors Pfisterer and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Lynhurst Gardens subdivision (District 14)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 576, 2006. Introduced by Councillors Abdullah, Pfisterer and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes one-way restrictions on Lynn Street between Michigan Street and St. Clair (Districts 14/15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 577, 2006. Introduced by Councillors Moriarty Adams and Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code by the addition of a new nonreverting fund to be known as the 'Marion Superior Court Technology Fund'"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 552, 2006. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 552, 2006 on October 18, 2006. The proposal, sponsored by Councillors Nytes and Mansfield, is a final resolution for Urban Innovations, Ltd. in an amount not to exceed \$5,500,000 for the acquisition, rehabilitation and renovation of a 111-unit low-income elderly apartment complex located at 8851 Colby Boulevard (Park Regency Apartments Project) (District 1). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McWhirter asked if there is any tax abatement involved in this project. Councillor Nytes responded that there is no tax abatement.

Councillor Nytes moved, seconded by Councillor Gibson, for adoption. Proposal No. 552, 2006 was adopted on the following roll call vote; viz:

26 YEAS: Abdullallah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Speedy

2 NAYS: Keller, Schneider

1 NOT VOTING: Plowman

Proposal No. 552, 2006 was retitled SPECIAL ORDINANCE NO. 8, 2006, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 8, 2006

A SPECIAL ORDINANCE of the City-County Council of the City of Indianapolis, Indiana authorizing the issuance of economic development revenue bonds by the City of Indianapolis, Indiana, in an aggregate principal amount not to exceed \$5,500,000, the proceeds of which shall be loaned to Urban Park Regency, L.P. or its assigns to finance the acquisition, construction, rehabilitation, installation and equipping of certain economic development facilities located within the City of Indianapolis, Indiana, and approving and authorizing other actions in respect thereto.

WHEREAS, at a meeting open to the public held on October 30, 2006, the City-County Council (the "Council") of the City of Indianapolis, Indiana (the "Issuer") adopted Resolution No. _____, which preliminarily approved the issuance of economic development revenue bonds by the Issuer and the loan of the proceeds thereof to the Borrower (as hereinafter defined) to finance a portion of the costs of the acquisition and improvement of certain economic development facilities consisting of an approximately 111-unit apartment facility (the "Project") to be undertaken by Urban Park Regency L.P., or its assigns (the "Borrower"), pursuant to the provisions of Indiana Code 36-7-11.9 and -12, as amended (collectively, the "Act"); and

WHEREAS, the Borrower has been informed that the Issuer was awarded private activity bond "volume cap" for the Project by the Indiana Housing and Community Development Authority and the Indiana Finance Authority, and the Borrower is now prepared to proceed with the proposed Project; and

WHEREAS, at a meeting open to the public held on October 11, 2006, the City of Indianapolis Economic Development Commission (the "Commission") held a public hearing conducted pursuant to Indiana Code 36-7-12-24(a) and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), notice of publication which was published in The Indianapolis Star and the Court & Commercial Record on September 25, 2006, at which time the public was informed of an opportunity to express their views for or against the Project and the issuance of bonds therefor; and

WHEREAS, pursuant to and in accordance with the provisions of the constitution and the laws of the State of Indiana, and particularly the Act, the Issuer is now prepared to issue and sell its Economic Development Revenue Bonds, Series 2006 (Park Regency Apartments Project) (the "Bonds"), in an aggregate principal amount not to exceed \$5,500,000 to obtain funds to finance a portion of the cost of the acquisition and rehabilitation of the Project, by making a mortgage loan (the "Mortgage Loan") to the Borrower, all under and in accordance with the Constitution and the laws of the State of Indiana.

WHEREAS, the Bonds will be purchased by U.S. Bank National Association (the "Lender") in a private direct sale; and

WHEREAS, it is now necessary, desirable and in the best interests of the Issuer to authorize the execution and delivery of a Loan Agreement, between the Issuer and the Borrower (the "Loan Agreement"); and

WHEREAS, it is now necessary, desirable and in the best interests of the Issuer to authorize the execution and delivery of a Regulatory Agreement and Declaration of Restrictive Covenants, by and among the Issuer, the Lender and the Borrower (the "Regulatory Agreement"); and

WHEREAS, it is now necessary, desirable and in the best interests of the Issuer to authorize the execution and delivery of a Pledge Agreement with respect to the Bonds (the "Pledge Agreement"), between the Issuer and the Lender; and

WHEREAS, the Issuer has caused to be prepared and presented (collectively, the "Financing Documents") forms of the following documents which the Issuer proposes to approve the terms of or enter into:

1. the Loan Agreement;
2. the Regulatory Agreement;
3. the Pledge Agreement; and
4. the Bonds.

WHEREAS, in compliance with Indiana Code 36-7-12-23(b), the Commission submitted its Report and Findings of Fact to the President of the City of Indianapolis Plan Commission (the "President") for review, and the Commission did not receive any written comments from the President concerning the Report and the Findings of Fact within five (5) days from the President's receipt thereof; and

WHEREAS, the Issuer is a municipal corporation and political subdivision of the State of Indiana (the "State"), and by virtue of the constitution and laws of the State, including the Act, is authorized and empowered, among other things, to (a) provide funds for the Project; (b) issue its revenue Bonds for the purpose set forth herein; (c) secure such revenue bonds by a pledge and assignment of revenues and other documents as provided for herein; and (d) adopt this Bond Ordinance, execute the Bonds, the Pledge Agreement, the Loan Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants and all other documents to be executed by it in connection with the issuance of the Bonds, upon the terms and conditions provided therein; and

WHEREAS, the Council has found and determined, and does hereby confirm, that the Project will be to the benefit of the health and general welfare of the citizens of the Issuer, and that the Issuer, by assisting with the financing of the Project through the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$5,500,000, will be acting in a manner consistent with and in furtherance of the provisions of the Act; and

WHEREAS, no member of the Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-6; and

WHEREAS, the Borrower will own the real property, improvements located thereon and the equipment constituting the Project, and the Borrower will be liable for the debt described in the Loan Agreement; and

WHEREAS, based upon the Report, the Findings and the resolution adopted by the Commission pertaining to the Project, the Issuer hereby finds and determines that the financing approved by the Commission for the Project will be of benefit to the health and general welfare of the citizens of the Issuer, complies with the provisions of the Act and the amount necessary to finance the costs of or related to the acquisition, construction, rehabilitation, installation and equipping of the Project, will require the issuance, sale and delivery of one or more series of economic development revenue bonds in an aggregate principal amount not to exceed \$5,500,000; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Definitions. In addition to the words and terms defined in this Bond Ordinance, the words and terms used in this Bond Ordinance shall have the meanings set forth in the Financing Documents unless the context or use indicates another or different meaning or intent, which forms are before this meeting, are hereby incorporated by reference in this Bond Ordinance, and the Clerk of the Issuer (the "Clerk") is hereby directed to insert them into the minutes of the Issuer and to keep them on file as specified in Section 13 hereof.

Any reference herein to the Issuer, or to any officers thereof, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "hereby," "hereto," "hereunder," and similar terms, mean this Bond Ordinance.

SECTION 2. Authorization of the Bonds. It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided and authorized herein and pursuant to the authority of the Act,

revenue bonds in one or more series in the maximum aggregate principal amount not to exceed \$5,500,000 and shall be designated as "City of Indianapolis, Indiana, Economic Development Revenue Bonds", Series 2006 (Park Regency Apartments Project) (the "Bonds"), including such further appropriate particular designation or designations added to or incorporated into such title for the Bonds as the Issuer may determine. The proceeds of the Bonds will be purchased by the Lender and the proceeds thereof shall be used to make a loan to the Borrower to pay the cost of the Project, which Project will be used as an economic development facility within the meaning of the Act.

SECTION 3. Terms and Execution of the Bonds. The Bonds shall be issued as fully registered bonds, without coupons, in the denominations set forth in the Bonds, numbered consecutively as set forth in the Bonds, and shall be payable at the office of the Lender and mature as provided in the Bond. The Bonds shall have such terms, bear such interest rates (at a fixed rate not to exceed eight percent (8%) or a variable rate to be determined as set forth in the Bond, and be subject to mandatory and optional redemption or tender as provided therein. The Bonds shall be executed and attested on behalf of the Issuer by the manual or facsimile signatures of the Mayor of the Issuer (the "Mayor"), and the Clerk, respectively, and the seal of the Issuer shall be impressed thereon or a facsimile of such seal placed thereon. In case any officer whose signature or a facsimile thereof shall appear on the Bonds shall cease to be such officer before the issuance or delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until after that time.

The substantially final form of the Bonds approved by the Commission and submitted to this meeting, subject to appropriate insertions and revisions in order to comply with the provisions of the Pledge Agreement, is hereby ratified, and when the same shall be executed on behalf of the Issuer by the appropriate officers thereof in the manner contemplated by the Financing Documents in an aggregate principal amount not to exceed \$5,500,000 shall represent the approved form of Bonds of the Issuer.

The Bonds are special, limited obligations of the Issuer payable solely from payments of principal of, premium, if any, and interest on the Bonds by the Borrower under the Loan Agreement, except to the extent that the principal of, premium, if any, and interest on the Bonds may be paid out of money attributable to Bond proceeds or from temporary investments thereof.

SECTION 4. Sale of the Bonds. The Issuer will sell the Bonds pursuant to the terms of the Financing Agreement, at the purchase prices set forth therein, and on the terms and conditions described therein.

SECTION 5. Arbitrage Provisions. Subject to the obligations of the Borrower set forth in the Loan Agreement and the Tax Representation Certificate, the Issuer will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations promulgated thereunder. The Mayor and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the Issuer, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 148 of the Code and the regulations thereunder.

SECTION 6. Financing Documents and all other Documents to be Executed or Accepted by the Issuer. In order to better secure the payment of the principal of, premium, if any, and interest on the Bonds as the same shall become due and payable, the Mayor and the Clerk are authorized and directed to execute, acknowledge and deliver, in the name and on behalf of the Issuer, the Financing Documents, and all other material instruments, agreements, closing papers, certificates, assignments or other documents, including, but not limited to, any such agreements or documents necessary or appropriate for arranging for credit enhancement or securing interest rate protection for the Bonds or investing proceeds of the Bonds, to be executed or accepted by it in substantially the forms submitted to the Issuer or its counsel and not inconsistent with the foregoing documents, with such changes therein not inconsistent with this Bond Ordinance and not substantially adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same on behalf of the Issuer without further approval of the Council or of the Commission if such changes do not affect terms set forth in Indiana Code 36-7-12-27(a)(1) through (a)(10). The approval of such changes by such officers, to the extent such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution or acceptance of receipt of any of the foregoing documents by such officers.

SECTION 7. Covenants of the Issuer. In addition to other covenants of the Issuer in this Bond Ordinance, the Issuer further covenants and agrees as follows:

(a) Payment of Principal, Premium and Interest. The Issuer will pay, solely from the sources herein provided, or cause to be paid the principal of, premium, if any, and interest on each and all Bonds on the dates, at the places and in the manner provided herein and in the Bonds, and in all other documents referred to herein.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Financing Documents executed and delivered, or received, under this Bond Ordinance, and in all other proceedings of the Issuer pertaining to the Financing Documents. The Issuer warrants and covenants that it is, and upon delivery of the Bonds will be, duly authorized by the laws of the State, including particularly and without limitation, the Act, to issue the Bonds and to execute the Financing Documents and all other documents to be executed or received by it, to provide the security for payment of the principal of, premium, if any, and interest on the Bonds in the manner and to the extent herein set forth; that all actions on its part for the issuance of the Bonds and execution or acceptance and delivery of the Financing Documents and all other documents to be executed or accepted by it have been or will be duly and effectively taken; and that the Bonds will be valid and enforceable special obligations of the Issuer according to the terms thereof. Each provision of this Bond Ordinance, the Financing Documents and all other documents to be executed by the Issuer is binding upon such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision; and each duty of the Issuer and of its officers and employees undertaken pursuant to such proceedings for the Bonds and all other documents to be executed by the Issuer is established as a duty of the Issuer and of each such officer and employee having authority to perform such duty.

SECTION 8. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Bond Ordinance, the Financing Documents or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Loan Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof, or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may be due and unpaid by the Issuer upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any of them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Loan Agreement and the issuance, sale and delivery of the Bonds.

SECTION 9. Indemnification. The Borrower will indemnify and hold the Issuer, including its officials, attorneys, employees and agents, free and harmless from any loss, claim, damage, tax, penalty, liability, disbursement, litigation expenses, attorneys' fees and expenses and other court costs arising out of, or in any way relating to, the execution or performance of the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, including the issuance and sale of the Bonds or failure to issue or sell the Bonds or other actions taken under the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, all as further described in the Loan Agreement, except in any case as a result of the intentional misrepresentation or willful misconduct of the Issuer.

SECTION 10. No Debt or Tax Pledge. Pursuant to Indiana Code 36-7-12-25(b), the Bonds shall not constitute a general obligation debt or pledge of the faith and credit of the Issuer, the State or any political subdivision thereof, and the holders, or owners thereof shall have no right to have taxes levied by the Issuer, the State or of any political subdivision, for the payment of the principal thereof or interest thereon. Moneys raised by taxation shall not be obligated or pledged for the payment of principal of or interest on the Bonds, and the Bonds shall be payable solely from the revenues and security interests pledged for their payment as authorized by the Pledge Agreement and the Lender. The Bonds shall not be taken into account in determining whether obligations issued by or on behalf of the Issuer and subordinate entities thereof during the calendar year 2006 may be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.

SECTION 11. Severability. If any section, paragraph or provision of this Bond Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Bond Ordinance.

SECTION 12. Repeal of Conflicting Ordinances, Resolutions and Orders. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Bond Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 13. Public Inspection. A copy of each of the Financing Documents will be available from the Clerk upon request.

SECTION 14. Compliance with Open Door Law. It is hereby determined that all formal actions of the Council relating to the adoption of this Bond Ordinance were taken in one or more open meetings of the Council, that all deliberations of the Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5 et seq., as amended.

SECTION 15. Additional Actions. The Mayor and the Clerk are authorized to take all such further actions or to execute, attest and deliver such further instruments and documents in the name of the Issuer as in their judgment shall be necessary or advisable in order fully to consummate the transaction and carry out the purposes of this Bond Ordinance.

SECTION 16. Effective Date. This Bond Ordinance shall be in full force and effect upon compliance with Indiana Code 36-3-4 et seq.

PROPOSAL NOS. 580-583, 2006, PROPOSAL NO. 584, 2006, PROPOSAL NOS. 585-593, 2006, and PROPOSAL NO. 594, 2006. Introduced by Councillor Mahern. Proposal No. 18, 2006, Proposal No. 19, 2006, and Proposal Nos. 20-24, 2006 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on October 18, 19 and 20, 2006. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 151-165, 2006, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 151, 2006.

2006-ZON-060

5350 AND 5410 MADISON AVENUE (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

RICHARD FINNELL requests rezoning of 1.49 acre, from the C-3 and C-5 Districts, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 152, 2006.

2006-ZON-063

3650 NORTH FRANKLIN ROAD (Approximate Address), INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 17

CARL HING CHUNG, GAR LON CHUNG, SHIU MAN CHUNG, KIT FONG CHUNG AND GARY TONG CHUNG, by David Kingen, requests rezoning of 4.58 acres, from the SU-1 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 153, 2006.

2006-ZON-074

45 BEACHWAY DRIVE (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 13

LAKEVIEW MANOR, by Shelly Fraser and Marci Reddick requests rezoning of 5.2123 acres, from the SU-1 and SU-7 Districts, to the C-1 classification to legally establish a nursing home.

REZONING ORDINANCE NO. 154, 2006.

2006-ZON-825

1731, 1803, 1805, 1809 AND 1815 NORTH COLLEGE AVENUE, INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

BYNUM FANYO & ASSOCIATES, by Steven Peters requests rezoning of 0.89 acre, from the C-1 District, to the D-8 classification to provide for the construction of multi-family dwellings.

REZONING ORDINANCE NO. 155, 2006.

2006-ZON-057

9201 ROCKVILLE ROAD (APPROXIMATE ADDRESS), INDIANAPOLIS
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 13

DEBI BROWN, by Robert V. Clutter requests rezoning of 0.689 acre, from the D-2 District, to the C-1 classification to provide for office-buffer commercial uses.

REZONING ORDINANCE NO. 156, 2006.

2006-ZON-067

2451 DR. ANDREW J BROWN AVENUE AND 1415 EAST 25TH STREET AND 2450 AND
2458 NORTH ARSENAL AVENUE (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

NATHAN L. BLUITT JR., requests rezoning of 1.25 acres, from the C-3 and D-5 Districts, to the C-1 classification to legally establish a funeral home.

REZONING ORDINANCE NO. 157, 2006.

2006-ZON-071

902 EAST SOUTHPORT ROAD (Approximate Address), INDIANAPOLIS
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 23

SOUTHPORT CHURCH OF THE NAZARENE, requests rezoning of 0.59 acre, from the D-2 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 158, 2006.

2006-ZON-075

2550 SOUTH MERIDIAN STREET (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19

MARQUIS PROPERTIES 1 LLC, by Michael J. Kias requests rezoning of 0.104 acre, from the C-3 District, to the D-5 classification to provide for residential uses.

REZONING ORDINANCE NO. 159, 2006.

2006-ZON-076

728 FULTON STREET (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

MICHAEL L. SPALDING requests rezoning of .05 acre, from the I-3-U District, to the D-8 classification to provide for residential use.

REZONING ORDINANCE NO. 160, 2006.

2006-ZON-078

5005 EAST 21ST STREET (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

OTTERBEIN UNITED METHODIST CHURCH, INC. requests rezoning of 0.1828 acre, from the D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 161, 2006.

2006-ZON-081

7726 BROOKVILLE ROAD (Approximate Address), INDIANAPOLIS
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 21

WILLIAM SHANK, by Thomas Michael Quinn, requests rezoning of 0.596 acre, from the C-ID District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 162, 2006.

2006-ZON-084

1608 COLUMBIA AVENUE (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

MARTINDALE BRIGHTWOOD, LLC, requests rezoning of 0.123 acre, from the C-5 District, to the D-8 classification to provide for the construction of a single-family dwelling.

REZONING ORDINANCE NO. 163, 2006.

2006-ZON-832

2501 NORTH KENYON STREET AND 6506 EAST 25TH STREET (Approximate Address),
INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 17

INDY PARKS requests rezoning of 7.9 acres, from the PK-1 and I-3-S Districts, to the PK-1 classification to provide for the expansion of a park.

REZONING ORDINANCE NO. 164, 2006.

2006-ZON-836

7550, 7600 AND 7620 ROCKVILLE ROAD AND 255 TRANSFER DRIVE (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 13

G & D REALTY, LLC, by Christopher D. Long, requests rezoning of 2.59 acres, from the D-A District, to the I-2-S classification to provide for light industrial suburban uses.

REZONING ORDINANCE NO. 165, 2006.

2006-ZON-826 (2006-DP-002)

402 SOUTH CARROLL ROAD (Approximate Address), INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 21

CUMBERLAND, LLC, by Thomas Michael Quinn requests rezoning of 4.566

R.O. No. 165, 2006 acres, from the D-2 District, to the D-P classification to provide for eleven, two-family dwellings at a density of 4.82 units per acre.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 526-529 and 531, 2006 on October 11, 2006. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 526, 2006. The proposal, sponsored by Councillors Moriarty Adams and McWhirter, appropriates a total of \$52,370 in the 2006 Budget of the Department of Public Safety, Police Division and Emergency Planning Division (Non-Lapsing Federal Grants Fund), to expose all "first responders" to simulated exercises to test all hazards training, financed by a US Department of Homeland Security grant. PROPOSAL NO. 527, 2006. The proposal, sponsored by Councillors Moriarty Adams and Borst, approves an increase of \$200,000 in the 2006 Budget of the Marion Superior Court (Drug Testing Laboratory Fund) to fund increased expenses related to an increase in the number of drug tests administered by the Superior Court, insuring compliance with court requirements. PROPOSAL NO. 528, 2006. The proposal, sponsored by Councillors Moriarty Adams and Borst, approves an increase of \$635,702 in the 2006 Budget of the Marion Superior Court (State and Federal Grants Fund) to appropriate a young offenders grant, a community court grant, a meth testing grant to provide for salaries and contractual services (grants provided by the Indiana Criminal Justice Institute) and to appropriate a court improvement grant to move cases more swiftly at the Juvenile Court and a CAPTA grant to fund CASA and guardian ad litem services provided by Child Advocates (grants provided by the Indiana Supreme Court). PROPOSAL NO. 529, 2006. The proposal, sponsored by Councillors Moriarty Adams and Borst, approves an increase of \$56,231 in the 2006 Budget of Marion Superior Court (State and Federal Grants Fund) to appropriate two grants from the Indiana Criminal Justice Institute for the CASA program and a supervised visitation program, supported by Kid's Voice. PROPOSAL NO. 531, 2006. The proposal, sponsored by Councillors Moriarty Adams, Nytes and Keller, appropriates \$464,525 in the 2006 Budget of Marion County Community Corrections (Home Detention User Fee Fund) to fund 2 Outreach Coordinators to work with and assist the adjoining neighborhood associations surrounding the Duvall Residential Center and to acquire additional equipment for the home detention program. By a 5-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Gray called for public testimony at 7:42 p.m.

Robert Yahara, citizen, stated that he supports Proposal Nos. 526-528, 2006 especially, as drug testing is very important to provide a drug free community and reduce crime.

Councillor Nytes thanked the neighborhood groups surrounding the Duvall Residential Center for accepting this facility into the neighborhood. She said that she believes it will help foster a positive attitude and fight crime in the area.

Councillor Abdullallah stated that he serves on the Community Corrections Advisory Board and he fully supports Proposal No. 531, 2006.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Conley, for adoption. Proposal Nos. 526-529 and 531, 2006 were adopted on the following roll call vote; viz:

29 YEAS: *Abdullallah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider*
0 NAYS:

Proposal No. 526, 2006 was retitled FISCAL ORDINANCE NO. 108, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 108, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Fifty-Two Thousand, Three Hundred Seventy Dollars (\$52,370) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Public Safety, Emergency Management and the Police Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grant Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2006 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division and the Emergency Management Planning Division, to expose all "first responders" to simulated exercises to test all hazards training, financed by a US Department of Homeland Security grant.

SECTION 2. The sum of Fifty-Two Thousand, Three Hundred Seventy Dollars (\$52,370) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY
POLICE DIVISION

NON-LAPSING FEDERAL GRANTS FUND

1. Personal Services	4,100
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	4,100

DEPARTMENT OF PUBLIC SAFETY

EMERGENCY MANAGEMENT PLANNING DIVISION NON-LAPSING FEDERAL GRANTS FUND

1. Personal Services	0
2. Supplies	350
3. Other Services and Charges	47,920
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	48,270

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>52,370</u>
TOTAL REDUCTION	52,370

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This grant does not require a local match.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 527, 2006 was retitled FISCAL ORDINANCE NO. 109, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 109, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Two Hundred Thousand Dollars (\$200,000) in the Drug Testing Laboratory Fund for purposes of the Marion Superior Court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05(f) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to fund the increased number of drug tests completed by court staff.

SECTION 2. The sum of Two Hundred Thousand Dollars (\$200,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>DRUG TESTING LABORATORY FUND</u>
1. Personal Services	80,000
2. Supplies	100,000
3. Other Services and Charges	<u>20,000</u>
TOTAL INCREASE	200,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>DRUG TESTING LABORATORY FUND</u>
Unappropriated and Unencumbered	
Drug Testing Laboratory Fund	<u>200,000</u>
TOTAL DECREASE	200,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 528, 2006 was retitled FISCAL ORDINANCE NO. 110, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 110, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Six Hundred Thirty-Five Thousand Seven Hundred Two Dollars (\$635,702) in the State and Federal Grants Fund for purposes of the Marion Superior Court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05(f) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to fund various programs funded by grants from the Indiana Criminal Justice Institute and the Indiana Supreme Court.

SECTION 2. The sum of Six Hundred Thirty-Five Thousand Seven Hundred Two Dollars (\$635,702) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	450,516
2. Supplies	39,155
3. Other Services and Charges	<u>146,031</u>
TOTAL INCREASE	635,702

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>635,702</u>
TOTAL DECREASE	635,702

SECTION 5. A local match of \$184,393 will be funded from the existing budgets of the Marion Superior Court, the Marion County Prosecutor's Office, and the Public Defender's Office.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 529, 2006 was retitled FISCAL ORDINANCE NO. 111, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 111, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Fifty-Six Thousand Two Hundred Thirty-One Dollars (\$56,231) in the State & Federal Grants Fund for purposes of the Marion Superior Court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05(f) of the City-County Annual Budget for 2006 be, and is hereby, amended by

the increases and reductions hereinafter stated for purposes of the Marion Superior Court to fund the CASA program at the Superior Court Division and support a supervised visitation program.

SECTION 2. The sum of Fifty-Six Thousand Two Hundred Thirty-One Dollars (\$56,231) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE & FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>56,231</u>
TOTAL INCREASE	56,231

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>STATE & FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>56,231</u>
TOTAL DECREASE	56,231

SECTION 5. The local match of \$14,058 will be met by Kids' Voice.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 531, 2006 was retitled FISCAL ORDINANCE NO. 112, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 112, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating an additional Four Hundred Sixty-Four Thousand Five Hundred Twenty-Five Dollars (\$464,525) in the Home and Detention User Fee Fund for purposes of the Community Corrections Agency and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06(c) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Community Corrections Agency to fund two (2) Outreach Coordinators to work with and assist the adjoining neighborhood associations surrounding the Duvall Residential Center, and to acquire additional equipment for the home detention program, financed by the Home Detention Fund balance.

SECTION 2. The sum of Four Hundred Sixty-Four Thousand Five Hundred Twenty-Five Dollars (\$464,525) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS AGENCY</u>	<u>HOME DETENTION USER FEE FUND</u>
1. Personal Services	45,500
2. Supplies	0
3. Other Services and Charges	419,025
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	464,525

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>464,525</u>
TOTAL REDUCTION	464,525

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 535, 2006. Councillor Conley reported that the Public Works Committee heard Proposal No. 535, 2006 on October 26, 2006. The proposal, sponsored by Councillors Conley, Mansfield, Abdullallah and Bradford, approves an appropriation of \$700,000 in the 2006 Budget of the Department of Public Works, Operations Division (Transportation General Fund), for anticipated overtime, snow and ice removal expense in late 2006 and other supplies. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said that it is unusual to ask for money before the snow season hits, and asked what the reason is for asking for the funds in advance. Michael Williams, Chief Financial Officer, Department of Public Works, stated that it is not easy to predict snowfall, but if they have an unanticipated storm mid-December, they would not be able to get an appropriation before the end of the year, and this will just help them to be prepared in case. Bart Brown, Council Chief Financial Officer, stated that they had asked the Department of Public Works to start anticipating these expenses before the season instead of asking for funds after the fact.

President Gray called for public testimony at 7:46 p.m. There being no one present to testify, Councillor Conley moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 535, 2006 was adopted on the following roll call vote; viz:

29 YEAS: Abdullallah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider
0 NAYS:

Proposal No. 535, 2006 was retitled FISCAL ORDINANCE NO. 113, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 113, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Seven Hundred Thousand Dollars (\$700,000) in the Transportation General Fund for purposes of the Department of Public Works, Operations Division, and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (j) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Operations Division for anticipated overtime, snow and ice removal expense in late 2006, and for other supplies.

SECTION 2. The sum of Seven Hundred Thousand Dollars (\$700,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS

OPERATIONS DIVISION

TRANSPORTATION GENERAL FUND

1. Personal Services	100,000
2. Supplies	600,000
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	700,000

SECTION 4. The said increased appropriation is funded by the following reductions:

TRANSPORTATION GENERAL FUND

Unappropriated and Unencumbered	
Transportation General Fund	700,000
TOTAL REDUCTION	700,000

SECTION 5. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The 2005 ending fund balance for the Transportation General Fund (on a budgetary basis) was \$6.947 million. (Source: 2005 CAFR, page 96.)

After deducting the appropriation included in this and other pending proposals, the 2006 ending fund balance for the Transportation General Fund is estimated to be \$13.0 million.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 165, 2006. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 165, 2006 on several occasions beginning on March 22, 2006. The proposal, sponsored by Councillor Nytes, is an inducement resolution for Camby Woods, L.P. in an amount not to exceed \$14,000,000 which consists of the construction of a 220-unit apartment complex to be known as Camby Woods Apartments located at 7700 Camby Road (District 22). Councillor Nytes reported that the Council returned the proposal to committee several times after indecisive votes, the last time on June 5, 2006. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Nytes moved, seconded by Councillor Cockrum, to strike. Proposal No. 165, 2006 was stricken by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 525, 2006. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 525, 2006 on October 17, 2006. The proposal, sponsored by Councillors Sanders, Keller and Conley, determines the need to lease approximately 32,000 square feet of space at 8650 West Washington Street for use by various divisions of the Indianapolis Metropolitan Police Department and by other city and county offices. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Gibson, for adoption. Proposal No. 525, 2006 was adopted on the following roll call vote; viz:

29 YEAS: *Abduallah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider*
0 NAYS:

October 30, 2006

Proposal No. 525, 2006 was retitled SPECIAL RESOLUTION NO. 65, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 65, 2006

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately thirty-two thousand (32,000) square feet of space at 8650 West Washington Street, Indianapolis, Indiana, for use by various divisions of the Indianapolis Metropolitan Police Department, and by other city and county offices.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines that the lease of space for use by various divisions of the Indianapolis Metropolitan Police Department, and by other city and county offices, is needed.

SECTION 2. The property to be leased is located at 8650 West Washington Street, Indianapolis, Indiana. Such property is owned by Wayne Township Metropolitan School District.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 530 and 532, 2006 on October 11, 2006. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 530, 2006. The proposal, sponsored by Councillors Moriarty Adams and Borst, approves a transfer of \$788,491 in the 2006 Budget of Marion Superior Court (County General Fund) to pay the costs of the clinic at the Juvenile Center and to replenish Character 03 funds transferred earlier this year. PROPOSAL NO. 532, 2006. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$75,957 in the 2006 Budget of Marion County Community Corrections (State and Federal Grants Fund) to pay for two community supervision managers. By a 5-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal Nos. 530 and 532, 2006 were adopted on the following roll call vote; viz:

25 YEAS: Abdullah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Schneider, Speedy

0 NAYS:

4 NOT VOTING: Gibson, Plowman, Randolph, Sanders

Proposal No. 530, 2006 was retitled FISCAL ORDINANCE NO. 114, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 114, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) transferring and appropriating Seven Hundred Eighty-Eight Thousand Four Hundred Ninety-One Dollars (\$788,491) in the County General Fund for purposes of the Marion Superior Court and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05(f) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to pay the costs of the clinic at the Marion County Juvenile Center and to replenish Character 03 funds transferred earlier this year to both Characters 04 and 02, financed by a transfer between characters..

SECTION 2. The sum of Seven Hundred Eighty-Eight Thousand Four Hundred Ninety-One Dollars (\$788,491) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	768,491
4. Capital Outlay	<u>20,000</u>
TOTAL INCREASE	788,491

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	788,491
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	788,491

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 532, 2006 was retitled FISCAL ORDINANCE NO. 115, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 115, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) transferring and appropriating an additional Seventy-Five Thousand Nine Hundred Fifty-Seven Dollars (\$75,957) in the State and Federal Grants Fund for purposes of the Community Corrections Agency and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Community Corrections Agency to hire two additional community supervision managers.

SECTION 2. The sum of Seventy-Five Thousand Nine Hundred Fifty-Seven Dollars (\$75,957) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	75,957
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	75,957

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>COMMUNITY CORRECTIONS AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	4,050
3. Other Services and Charges	71,907
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	75,957

SECTION 5. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 534, 2006. Councillor Conley reported that the Public Works Committee heard Proposal No. 534, 2006 on October 26, 2006. The proposal, sponsored by Councillors Conley, Moriarty Adams, Keller, Borst, Mahern and Abdullallah, approves the issuance of one or more series of Sanitary District Revenue Bonds and, if necessary, one or more series of notes in an aggregate principal amount not to exceed \$160,000,000. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 534, 2006 was adopted on the following roll call vote; viz:

27 YEAS: *Abdullallah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy*
0 NAYS:
2 NOT VOTING: *Plowman, Randolph*

Proposal No. 534, 2006 was retitled GENERAL RESOLUTION NO. 21, 2006, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 21, 2006

A PROPOSAL FOR A GENERAL RESOLUTION approving the issuance of one or more series of City of Indianapolis, Indiana, Sanitary District Revenue Bonds and, if necessary, one or more series of notes in an aggregate principal amount not to exceed One Hundred Sixty Million Dollars (\$160,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Board of Public Works (the "Board") of the City of Indianapolis, Indiana (the "City"), being the governing body of the Sanitary District of the City (the "Sanitary District"), has determined that it is necessary to issue one or more series of revenue bonds (the "Bonds") of the Sanitary District in the aggregate principal amount of One Hundred Sixty Million Dollars (\$160,000,000), and prior to and in anticipation of the issuance of a series of such Bonds, it may be necessary to issue one or more series of bond anticipation notes and/or limited recourse notes (the "Notes") of the Sanitary District in the aggregate principal amount not to exceed One Hundred Sixty Million Dollars (\$160,000,000) all for the purpose of: (i) procuring funds to apply to the costs of all or a portion of the projects specified in Exhibit A; and (ii) refunding the Sanitary District's currently outstanding Limited Recourse Notes (the "Prior Notes"); together with expenses associated therewith and in connection with or on account of the issuance of the Bonds and Notes therefor (the "Projects"); and

WHEREAS, Indiana Code 36-3-5-8 requires the City-County Council to approve the issuance of bonds or notes by any special taxing district of the City; and

WHEREAS, Indiana Code 5-1.4 provides that a "qualified entity," which term includes the Sanitary District, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds and/or Notes in a negotiated sale subject to approval by the Board of Directors of the Bond Bank, and the Bond Bank may determine to purchase the Bonds or the Notes with proceeds from the issuance of the Bond Bank's bonds (the "Bond Bank Bonds") or tax-exempt commercial paper notes (the "Commercial Paper Notes"), which Bond Bank Bonds or Commercial Paper Notes may be secured by a debt service reserve fund established by the Bond Bank that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67, 85 of the City-County Council; and

WHEREAS, pursuant to Indiana Code 4-4-11 and Indiana Code 13-18-13, the Sanitary District may issue or sell its bonds or notes to the Indiana Finance Authority (the "Authority") as part of the State Wastewater Revolving Loan Fund ("SRF") Program; and

WHEREAS, the City-County Council has determined that the issuance of the Bonds and Notes by the Sanitary District should be approved; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA;

SECTION 1. The City-County Council does hereby approve: (i) the issuance of the Bonds of the Sanitary District in one or more series in the aggregate principal amount of One Hundred Sixty Million Dollars (\$160,000,000); and (ii) the issuance of the Notes in one or more series in an aggregate principal amount not to exceed One Hundred Sixty Million Dollars (\$160,000,000), with the proceeds of the Bonds or Notes used to finance or refinance the costs of the Projects and to refund the Prior Notes. The City-County Council further approves the sale of the Bonds and the Notes to the Bond Bank, to the Authority as part of the SRF Program or to another purchaser by public or negotiated sale. In no event shall the total principal amount of Bonds and Notes outstanding at any time pursuant to this Resolution exceed One Hundred Sixty Million Dollars (\$160,000,000). The City-County Council hereby authorizes any Notes issued pursuant to this Resolution to have a maturity date (including any renewals or extensions) that is not later than five years from the date such Notes are issued.

SECTION 2. The City-County Council does hereby acknowledge that the Bond Bank Bonds and the Commercial Paper Notes may be supported by a debt service reserve fund established by the Bond Bank that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67, 85 of the City-County Council.

SECTION 3. This Resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14.

PROPOSAL NO. 537, 2006. Councillor Conley reported that the Public Works Committee heard Proposal No. 537, 2006 on October 26, 2006. The proposal, sponsored by Councillors Conley, Mansfield, Abdullah and Bradford, approves a transfer of \$110,000 in the 2006 Budget of the Department of Public Works (Stormwater Utility Management Fund and Sanitation Liquid Waste Fund) to purchase a van and equipment for televising and inspecting storm and sanitation sewers. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Mahern, for adoption. Proposal No. 537, 2006 was adopted on the following roll call vote; viz:

29 YEAS: *Abdullah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider*
0 NAYS:

Proposal No. 537, 2006 was retitled FISCAL ORDINANCE NO. 116, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 116, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) transferring and appropriating One Hundred Ten Thousand Dollars (\$110,000) in

October 30, 2006

the Stormwater Utility Management Fund and Sanitation Liquid Waste Fund for purposes of the Department of Public Works and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (j) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works to purchase a van and equipment for televising and inspecting storm and sanitation sewers.

SECTION 2. The sum of One Hundred Ten Thousand Dollars (\$110,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>STORMWATER MANAGEMENT UTILITY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	90,000
5. Internal Charges	0
TOTAL INCREASE	90,000

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>SANITATION LIQUID WASTE FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	20,000
5. Internal Charges	0
TOTAL INCREASE	20,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>STORMWATER MANAGEMENT UTILITY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	90,000
4. Capital Outlay	0
5. Internal Charges	0
TOTAL DECREASE	90,000

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>SANITATION LIQUID WASTE FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	20,000
4. Capital Outlay	0
5. Internal Charges	0
TOTAL DECREASE	20,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 538, 2006. Councillor Conley reported that the Public Works Committee heard Proposal No. 538, 2006 on October 26, 2006. The proposal, sponsored by Councillors Nytes and Abdullallah, authorizes parking restrictions on Delaware Street from St. Clair Street to 9th Street (Districts 9 and 15). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Mahern, for adoption. Proposal No. 538, 2006 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*

0 NAYS:

2 NOT VOTING: *Gibson, Nytes*

Proposal No. 538, 2006 was retitled GENERAL ORDINANCE NO. 93, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 93, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-126, Parking time restricted on designated days.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-126, Parking time restricted on designated days, be and the same is hereby amended by the addition of the following, to wit:

NINETY MINUTES

ON ANY DAY EXCEPT
SATURDAYS AND SUNDAYS
from 7:00 a.m. to 6:00 p.m.

Delaware Street, on the west side, from
St. Clair Street to Ninth Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Gray convened the Solid Waste Special Service District Council.

**SPECIAL SERVICE DISTRICT COUNCILS
SOLID WASTE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 536, 2006. Councillor Conley reported that the Public Works Committee heard Proposal No. 536, 2006 on October 26, 2006. The proposal, sponsored by Councillors Conley, Mansfield, Abduallah, Bradford and Randolph, approves an appropriation of \$400,000 in the 2006 Budget of the Department of Public Works, Operations Division (Solid Waste Collection Fund), for overtime expenses incurred in support of snow and ice removal, neighborhood clean-ups, other staffing issues, and to replace funds expended as part of the Weed Enforcement Program. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Sanders, for adoption. Proposal No. 536, 2006 was adopted on the following roll call vote; viz:

27 YEAS: *Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Sanders, Schneider, Speedy*

0 NAYS:

2 NOT VOTING: *Abduallah, Salisbury*

Proposal No. 536, 2006 was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2006, and reads as follows:

CITY-COUNTY SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT NO. 2, 2006

A FISCAL ORDINANCE amending the Solid Waste Collection Special Service District Annual Budget for 2006 (Solid Waste Collection Special Service District Fiscal Ordinance No. 1, 2005) appropriating Four Hundred Thousand Dollars (\$400,000) in the Solid Waste Collection Fund for purposes of the Department of Public Works, Operations Division, and reducing the unappropriated and unencumbered balance in The Solid Waste Collection Fund.

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT
COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (j) of the Solid Waste Collection Special Service District Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, for overtime expenses incurred in support of snow and ice removal, neighborhood clean-ups, other staffing issues, and to replace funds expended as part of the Weed Enforcement Program.

SECTION 2. The sum of Four Hundred Thousand Dollars (\$400,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>OPERATIONS DIVISION</u>	<u>SOLID WASTE COLLECTION FUND</u>
1. Personal Services	150,000
2. Supplies	0
3. Other Services and Charges	250,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	400,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>SOLID WASTE COLLECTION FUND</u>
Unappropriated and Unencumbered Solid Waste Collection Fund	<u>400,000</u>
TOTAL REDUCTION	400,000

SECTION 5. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The 2005 ending fund balance for the Solid Waste Collection Fund (on a budgetary basis) was \$6.372 million. (Source: 2005 CAFR, page 94.)

After deducting the appropriation included in this and other pending proposals, the 2006 ending fund balance for the Solid Waste Collection Fund is estimated to be \$3.3 million.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Gray reconvened the City-County Council.

NEW BUSINESS

Councillor Cockrum congratulated Councillor Schneider on his newly adopted baby girl from Russia.

Councillor Nytes asked that the General Counsel be asked to research drafting a law against City or County officials who mislead the Council by providing false testimony. She said that this Council must rely on elected officials to tell the truth, and when they mislead the Council, it

makes the Council's job much more difficult. President Gray asked General Council Aaron Haith to get with Councillor Nytes to render an opinion as to what kind of information she is looking for. Mr. Haith agreed to do so.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of Donna Talley; and
- (2) Councillor Gray in memory of Alexander "Sandy" Monroe; and
- (3) Councillors Randolph and Gray in memory of Arbrellia Sims Williams; and
- (4) Councillor Randolph in memory of Donna Jean Bradford and Kenneth Houck; and
- (5) Councillors Langsford, Gray, Brown, Pfisterer, Sanders and Randolph in memory of Herbie Bayt; and
- (6) Councillors Sanders, Gray, Brown and Conley in memory of Joseph C. Lewis, Jr.; and
- (7) Councillor Oliver in memory of Lillian M. Richardson and Anita Chatman; and
- (8) Councillor Borst in memory of Bill Greeley; and
- (9) Councillor Pfisterer in memory of Claude R. Newhouse, Leander Goodwin, Marjorie E. Trager, Jeanette Shirley, and M. Adalee Jordan; and
- (10) Councillor Nytes in memory of Aron Brown; and
- (11) Councillors Salisbury and Borst in memory of Thomas B. Williams, Jr.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Donna Talley, Alexander "Sandy" Monroe, Arbrellia Sims Williams, Donna Jean Bradford, Kenneth Houck, Herbie Bayt, Joseph C. Lewis, Jr., Lillian M. Richardson, Anita Chatman, Bill Greeley, Claude R. Newhouse, Leander Goodwin, Marjorie E. Trager, Jeanette Shirley, M. Adalee Jordan, Aron Brown, and Thomas B. Williams, Jr.. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:04 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 30th day of October, 2006.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)